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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/714,930	11/18/2003	Kazunari Kanbe	033697-007	3038
21839	7590 03/08/2006		EXAMINER	
BUCHANAN INGERSOLL PC			JOHNSON, VICKY A	
`	BURNS, DOANE, SWE	CKER & MATHIS)	ART UNIT	PAPER NUMBER
POST OFFICE BO	. VA 22313-1404		3682	TATER NUMBER

DATE MAILED: 03/08/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

	Application No.	Applicant(s)	
	10/714,930	KANBE ET AL.	_
Office Action Summary	Examiner	Art Unit	
	Vicky A. Johnson	3682	
The MAILING DATE of this communication Period for Reply	n appears on the cover sheet wi	th the correspondence add	dress
A SHORTENED STATUTORY PERIOD FOR F WHICHEVER IS LONGER, FROM THE MAILIN - Extensions of time may be available under the provisions of 37 C after SIX (6) MONTHS from the mailing date of this communicati - If NO period for reply is specified above, the maximum statutory - Failure to reply within the set or extended period for reply will, by Any reply received by the Office later than three months after the earned patent term adjustment. See 37 CFR 1.704(b).	NG DATE OF THIS COMMUNIC FR 1.136(a). In no event, however, may a re on. period will apply and will expire SIX (6) MON' statute, cause the application to become AB	CATION. Poly be timely filed THS from the mailing date of this co ANDONED (35 U.S.C. § 133).	
Status			
1)☐ Responsive to communication(s) filed on 2a)☒ This action is FINAL.	This action is non-final. Ilowance except for formal matte		e merits is
Disposition of Claims			
4) Claim(s) 1-18 is/are pending in the application 4a) Of the above claim(s) is/are with 5) Claim(s) is/are allowed. 6) Claim(s) 1-18 is/are rejected. 7) Claim(s) is/are objected to. 8) Claim(s) are subject to restriction is	thdrawn from consideration.		
Application Papers			
9)☐ The specification is objected to by the Exact 10)☑ The drawing(s) filed on 15 December 200 Applicant may not request that any objection to Replacement drawing sheet(s) including the control of the oath or declaration is objected to by the specific sp	$\frac{5}{5}$ is/are: a) \boxtimes accepted or b) \square to the drawing(s) be held in abeyan correction is required if the drawing(ce. See 37 CFR 1.85(a). (s) is objected to. See 37 CF	FR 1.121(d).
Priority under 35 U.S.C. § 119			
12) Acknowledgment is made of a claim for for a) All b) Some * c) None of: 1. Certified copies of the priority docu 2. Certified copies of the priority docu 3. Copies of the certified copies of the application from the International B * See the attached detailed Office action for	ments have been received. ments have been received in A e priority documents have been Bureau (PCT Rule 17.2(a)).	pplication No received in this National	Stage
Attachment(s)	🗖		
 Notice of References Cited (PTO-892) Notice of Draftsperson's Patent Drawing Review (PTO-943) Information Disclosure Statement(s) (PTO-1449 or PTO/5 Paper No(s)/Mail Date 	Paper No(s	ummary (PTO-413) s)/Mail Date nformal Patent Application (PTC)-152)

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DETAILED ACTION

Drawings

1. The drawings were received on December 12, 2005. These drawings are approved.

Claim Rejections - 35 USC § 112

2. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

3. Claims 1-18 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claims 1 and 10 recites the limitation "said braking direction" in lines 7 and 8.

There is insufficient antecedent basis for this limitation in the claim.

Claim Rejections - 35 USC § 103

- 4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:
 - (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.
- 5. Claims 1-7, 9-16, and 18 are rejected under 35 U.S.C. 103(a) as being unpatentable over applicant's admitted prior art.

Applicant's prior art disclose a pedal arm (120) pivoted when stepped on for transmitting the stepping-on force; and a pedal pad (130) mounted on an end upper

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potion of said pedal arm for being stepped on the driver's foot; said pedal pad including a pedal pad upper portion (see Fig 12) and a pedal pad side portion (132); said pedal arm including an arm end portion (121) for mounting said pedal pad and an arm body (see Fig 7); and said arm end portion having a pad mounting upper portion (122) for mounting said pedal pad, a pad mounting side portion (123) extending laterally with respect to the pad mounting upper portion for mounting said pedal pad side portion by a coupling (132b), and a protruding portion (40) provided at said pad mounting side portion under the end portion of said pedal pad side portion and laterally protruding to have almost the same height as the thickness of said pedal pad side portion (see Fig 11).

Applicant's admitted prior art does not disclose the pad mounting upper portion, the pad mounting side portion, and the protruding portion comprising respective portions of the same piece of material.

It would have been obvious to one having ordinary skill in the art at the time the invention was made to make the pad mounting upper portion, the pad mounting side portion, and the protruding portion out of the same piece of material, since it has been held that forming in one piece an article which has formerly been formed in two pieces and put together involves only routine skill in the art. *Howard v. Detroit Stove Works*, 150 U.S. 164 (1893).

Re claims 2 and 11, said pedal arm is formed to be a U-letter shape in crosssection (see Fig 11).

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Re claims 3-6, 9, 12-15, and 18, even though product by process claims are limited by and defined by the process, determination of patentability is based on the product itself. The patentability of a product does not depend on its method of production. (See MPEP 2113).

Re claims 7 and 16, said pedal pad covers the whole of the right side of said pad mounting upper portion provided at said arm end portion and also covers the circumferential portion of the wrong side of said pad mounting upper portion (see Fig 7).

Re claims 9 and 18, said pedal pad is made of rubber or soft synthetic resin (see Fig 11) and wherein in Insertion Forming technology, said pedal pad is formed bodily on said arm end portion with the same being set in a casting mold.

6. Claims 8 and 17 are rejected under 35 U.S.C. 103(a) as being unpatentable over applicant's admitted prior art in view of Swenson (US 5,609,069).

Applicant's admitted prior art discloses a brake pedal as described above, but does not disclose pedal pad is joined by an adhesive to said pad mounting upper portion of said arm end portion.

Swenson teaches the use of a pedal pad joined by an adhesive to a pad mounting upper portion of an arm end portion (col. 1 lines 30-39).

It would have been obvious to one having ordinary skill in the art to use an adhesive to bond the pedal pad to the arm end portion, since it is well known to use adhesives to bond two parts together.

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Response to Arguments

Some further comments regarding the applicant's remarks are deemed appropriate.

The applicant argues that the amendment added to claims 1 and 10 overcome the applicant's admitted prior art because the pieces are formed as one piece, but as stated above, to form in one piece an article which has formerly been formed in two pieces and put together involves only routine skill in the art.

Applicant's remarks have been accorded due consideration, however, they are not deemed fully persuasive.

Conclusion

7. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

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Any inquiry concerning this communication or earlier communications from the examiner should be directed to Vicky A. Johnson whose telephone number is (571) 272-7106. The examiner can normally be reached on Monday-Friday (7:00a-3:30p).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Richard Ridley can be reached on (571) 272-6217. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Vicky A. Johnson

Primary Examiner Art Unit 3682



REPLACEMENT SHEET

APPLN. FILING DATE: NOVEMBER 18 2003
TITLF: PEDAL STRUCTURE FOR MOTOR VEHICLES
INVENTOR(S): KAZUNARI KANBE ET AL.
ATTURNEY DOCKET NO: 033697-007



